

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)
)
SAHALADIEN SOLDANA)
) No. 17-25995
) Chapter 13 (Kane)
Debtors) Honorable Janet S. Baer,
) Hearing Date: 10/19/2018 at 9:30 a.m.

NOTICE OF MOTION

To: See attached Service List.

YOU ARE HEREBY NOTIFIED that on October 19, 2018, at 9:30 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Janet S. Baer in room 240 in the Kane County Courthouse, 100 S. Third Street, Geneva, IL 60134, and then and there present for hearing the attached **MOTION FOR RELIEF FROM STAY PURSUANT TO SECTION 362 OF THE BANKRUPTCY CODE** at which time and place you may appear as you see fit.



Benjamin J. Rooney

PROOF OF SERVICE

The undersigned attorney certifies that he served a true and correct copy of the foregoing electronically to all parties eligible and by depositing same in the U.S. Mail, Wheaton, Illinois addressed to the parties appearing above on the 28th day of September, 2018.


Benjamin J. Rooney

SUBSCRIBED and SWORN to before me
this 28th day of September, 2018.


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IN RE:)	
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)	No. 17-25995
)	Chapter 13 (Kane)
Debtors)	Honorable Janet S. Baer,
)	Hearing Date: 10/19/2018 at 9:30 a.m.

**MOTION FOR RELIEF FROM STAY PURSUANT TO SECTION 362 OF THE
BANKRUPTCY CODE**

NOW COMES a certain creditor, PARK AVENUE OF AURORA CONDOMINIUM ASSOCIATION, by and through its attorneys, KEAY & COSTELLO, P.C., and in support of its Motion for Relief from Stay, states as follows:

1. That the creditor is PARK AVENUE OF AURORA CONDOMINIUM ASSOCIATION (hereinafter referred to as “PARK AVENUE OF AURORA”), an Illinois not-for-profit corporation and condominium association governed by the Illinois Condominium Property Act (765 ILCS 605/1 et seq.).

2. That the Debtor, SAHALADIEN SOLDANA (hereinafter referred to as “Debtor”) is the owner of residential real estate that is part of PARK AVENUE OF AURORA. Specifically, Debtor is the owner of the property located at 2367 Stoughton Circle, Aurora, Kane County, Illinois.

3. That pursuant to 9(g)(1) of the Illinois Condominium Property Act (765 ILCS 605/1 et seq.) and PARK AVENUE OF AURORA governing documents, which have been recorded with the Recorder of Deeds of Kane County, Illinois, a lien attaches to the property of the Debtor to secure unpaid assessments and other obligations arising out of ownership of a unit under the jurisdiction of PARK AVENUE OF AURORA.

4. That as owner of a unit at PARK AVENUE OF AURORA, the Debtor is obligated to pay assessments to PARK AVENUE OF AURORA.

5. That since the filing of Debtor's Chapter 13 petition on August 30, 2017, the Debtor has failed to remain current on her post-petition obligation to pay assessments to PARK AVENUE OF AURORA.

6. Accordingly, beginning on October 2017 through the filing of this Motion, Debtor has failed to pay the amount of \$954.54 in post-petition assessments to PARK AVENUE OF AURORA. Additionally, PARK AVENUE OF AURORA has incurred \$600.00 in attorney's fees and \$181.00 in court costs as a result of Debtor's failure to remain current on her post-petition obligation to the Association. Collection of said attorney's fees and court costs is authorized by the Association's Declaration.

7. Collection of said attorney fees and court costs is authorized by 9.2(b) of the Illinois Condominium Property Act and the Declaration. (765 ILCS 605/9.2(b)) (West 2017).

8. Therefore, the total amount due through the filing of this Motion for post-petition assessments, late fees, fines, attorney's fees, and court costs is \$1,735.54.

9. That pursuant to Section 362 of the Bankruptcy Code, PARK AVENUE OF AURORA moves this court for entry of an order modifying the automatic stay arising as a result of Debtor's Chapter 13 filing.

10. That PARK AVENUE OF AURORA is entitled to relief from the automatic stay so it may initiate collection proceedings against the Debtor for the assessments and other charges that became due and owing after Debtor's Chapter 13 filing.

11. That PARK AVENUE OF AURORA is entitled to relief from the automatic stay for the following reasons:

- a. Debtor has made material defaults under the terms of the Declaration;
- b. There is currently a continuing increase in the total indebtedness chargeable against the real estate for payment of assessments and other charges due under the Declaration which result in PARK AVENUE OF AURORA being deprived of adequate protection of its interest in the real estate; and
- c. The subject real estate is not necessary for a successful reorganization of the Debtor.

12. That PARK AVENUE OF AURORA requests waiver of the 14-day stay provision of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, the Creditor, herein, PARK AVENUE OF AURORA, prays this court enter an order modifying the stay permitting PARK AVENUE OF AURORA, to initiate collection proceedings of all post-petition association assessments due from the Debtor, SAHALADIEN SOLDANA, as a result of the ownership of the premises described herein, and for any such other and further relief as this court deems just and equitable within the premises.

PARK AVENUE OF AURORA
CONDOMINIUM ASSOCIATION

By: 

One of its attorneys

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